## UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

Sean Edward Douglas-McClain,	)
Plaintiff,	) Case No.: 2:22-cv-00226-GMN-EJY
VS.	)
	) ORDER
John Pernyak, et al.,	)
	)
Defendants.	)

Pending before the Court is the Report and Recommendation, (ECF No. 4), of United States Magistrate Judge Elayna J. Youchah, which states that Plaintiff's initiating documents should be dismissed without prejudice.

A party may file specific written objections to the findings and recommendations of a United States Magistrate Judge made pursuant to Local Rule IB 1-4. 28 U.S.C. § 636(b)(1)(B); D. Nev. R. IB 3-2. Upon the filing of such objections, the Court must make a *de novo* determination of those portions to which objections are made. *Id.* The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); D. Nev. R. IB 3-2(b). Where a party fails to object, however, the Court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (citing 28 U.S.C. § 636(b)(1)). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. *See, e.g., United States v. Reyna—Tapia*, 328 F.3d 1114, 1122 (9th Cir. 2003).

Here, no objections were filed, and the deadline to do so has passed. (*See* Min. Order, ECF No. 4) (setting a February 24, 2022, deadline for objections).

Accordingly, 1 2 IT IS HEREBY ORDERED that the Report and Recommendation, (ECF No. 4), is 3 ADOPTED in part and REJECTED in part.<sup>1</sup> 4 IT IS FURTHER ORDERED that Plaintiff's initiating documents, (ECF Nos. 1-1, 1-5 2), are **DISMISSED** without prejudice. IT IS FURTHER ORDERED that Plaintiff shall file an amended complaint by April 6 7 26, 2022. Failure to file an amended complaint by April 26, 2022, will result in the dismissal 8 of this case without prejudice. Dated this \_5 day of April, 2022. 9 10 11 Gloria M. Navarro, District Judge 12 United States District Court 13 14 15 16 17 18 19 20 21 22 23 24 <sup>1</sup> The Court rejects the Report and Recommendation only to the extent that it recommends an amended complaint deadline of March 10, 2022, because that deadline expired before the Court even dismissed Plaintiff's initiating 25

documents. Therefore, now that the initiating documents are dismissed, the Court sets a new deadline to file an

amended complaint.

Page 2 of 2